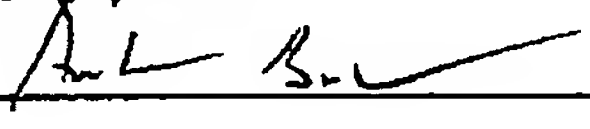



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <div style="font-size: 1.2em; margin-left: 100px;">3021</div>							
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] Via Fed. Exp. No. 571-273-8300 on <u>July 19, 2005</u> Signature <u></u> Typed or printed name <u>Andrew Babcock</u>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Application Number <div style="font-size: 1.2em;">10/707,853</div></td> <td style="padding: 5px;">Filed <div style="font-size: 1.2em;">1/16/2004</div></td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor <div style="font-size: 1.2em;">Frank Harwath</div></td> </tr> <tr> <td style="padding: 5px;">Art Unit <div style="font-size: 1.2em;">2833</div></td> <td style="padding: 5px;">Examiner <div style="font-size: 1.2em;">W, Hein D</div></td> </tr> </table>		Application Number <div style="font-size: 1.2em;">10/707,853</div>	Filed <div style="font-size: 1.2em;">1/16/2004</div>	First Named Inventor <div style="font-size: 1.2em;">Frank Harwath</div>		Art Unit <div style="font-size: 1.2em;">2833</div>	Examiner <div style="font-size: 1.2em;">W, Hein D</div>
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Art Unit <div style="font-size: 1.2em;">2833</div>	Examiner <div style="font-size: 1.2em;">W, Hein D</div>								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p style="text-align: right;">07/20/2005 BBONNER 00000028 10707853</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). <u>01 FC 1401</u> 500.00 OP Note: No more than five (5) pages may be provided.</p>									
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. <u>44517</u> Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<div style="text-align: center;">  Signature <u>Andrew Babcock</u> Typed or printed name <div style="font-size: 1.2em;">(847) 719-2083</div> Telephone number <div style="font-size: 1.2em;">July 19, 2005</div> Date </div>							
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.									
<input type="checkbox"/> *Total of _____ forms are submitted.									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank Harwath
Serial No.: 10/707,853
Filed: 1/16/2004
For: Connector and Coaxial Cable with
Outer Conductor Cylindrical Section
Axial Compression Connection
Docket Number: 3021
Confirmation No.: 1852

Examiner: Vu, Hien D
Art Unit: 2833

APPLICANT ARGUMENT FOR PRE-APPEAL BRIEF CONFERENCE

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 19, 2005

Claims 10-13, 15-16, 22 and 24-25 are finally rejected under 35 U.S.C. 102(e) as anticipated by US5137471, *Verespej*. Independent claims 10, 16 and 24 include the limitation that the outer conductor is retained upon application of a compression force along a longitudinal axis of the coaxial cable, between the connector body and the deformable crimp ring. The rejection(s) are clear Examiner error because *Verespej* fails to disclose application of a compression force along the longitudinal axis of the coaxial cable, the compression force applied between the connector body and the crimp ring. As described in the background section of the specification, paragraphs 0007-0009, "crimping" is a term of art understood by those skilled in the art as the application of radial compressive force, a conventional method of cable/connector interconnection with significant drawbacks. Crimping is the application of a radial compressive force. *Verespej* discloses only the conventional radial compression, and in fact refers to the crimping operation as "crimped by a standard crimping tool" (col 4, ln 6-7).

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Serial Number: 10/707,853
Filed: 1/16/2004

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In response to applicant's identification that *Verespej* is a reference designed for and disclosing only conventional radial crimping, the Examiner stated in his "Response to Applicant's Arguments" with respect to *Verespej* (para 1, page 5 – May 19, 2005 OA, final rejection) that:

"The examiner disagrees. Even though the *Verespej* reference does not clearly show how the deformable ring 25 is compressed along the cable. However, in columns 4, lines 6-9 stated that the ring 25 is crimped uniformly *along the length of* the cable retention section 22 and the cable shield 41, therefore, it is considered that the ring 25 being compressed along a longitudinal axis of the coaxial cable, and therefore the rejection of the claims ... is proper." (Examiner's original syntax/element label errors retained)

From the cited *Verespej* section quoted by the Examiner, the Examiner substitutes "*along the length of*" for the original text of "*between*". There is no basis whatsoever for the Examiners substitution. The term "*between*" omitted by the Examiner is itself an indicator of radial compression, because for the compression to be "*between*" the ring 25 and the cable retention section 25, as it is - according to the plain language of the cited reference, it must be radial as these components are aligned only radially, not longitudinally (see *Verespej*, fig. 2).

The discussion of a prior art conventional crimp connector (col. 1, ln. 41-52) and disclosure of the crimp connection applied in the *Verespej* connector (col. 4 ln. 1-9) leaves no ambiguity, whatsoever that *Verespej* discloses only radial compression, not compression along the longitudinal axis of the cable as represented by the Examiner and required by the claim(s). Therefore, rejections relying upon *Verespej* (all the present rejections) are improper because the Examiner has omitted an essential element required for a prima facie rejection.

The Examiner rejected claims 14, 17-21, 23 and 26-30 under 35 U.S.C. 103(a) as unpatentable over *Verespej* in view of *Morino*, *Pitschi* and *Caleffi*. Again, there is clear Examiner error because

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the Examiner relies upon *Verespej*, as described in detail herein above, and or fails to supply a reference combination wherein the resulting assembly includes the limitation that the outer conductor is retained upon application of a compression force applied between the connector body and the deformable crimp ring, the compression force applied along a longitudinal axis of the coaxial cable.

Further, with respect to claims 14 and 23 the Examiner combines *Morino*, an automotive electrical circuit and pressure sensor encapsulated within an electrical enclosure with *Verespej*, an electrical connector. In *Morino*, the encapsulating molding resin is applied to provide the disclosed pressure sensor control unit assembly with vibration resistance, mechanical integrity or the like. An electro-pneumatic circuit and sensor enclosure is not analogous to an electrical connector, neither are the problems addressed by the *Morino* reference reasonably pertinent to the present invention. Therefore, in addition to the error already referenced, above, there is clear Examiner error in that the proposed combination arises from plainly non-analogous references. The cited references are totally unrelated to the claimed aspects of the present invention, ie electrical coaxial cable connector insulators adapted to support an inner conductor isolated from the connector body and the further disclosure that the insulator may be formed in situ by injection molding applied via at least one opening in the connector body.

With respect to claims 17-20 the Examiner supplies *Pitschi* to demonstrate an outer conductor with annular corrugations. In addition to the error already referenced, above, the Examiner has ignored the requirement according to the claim(s) that the annular corrugations have a cylindrical section at a peak of each corrugation. The cable identified by the Examiner is a conventional annular corrugated cable having a continuously sinusoidal corrugation rather than the claimed cylindrical section at a peak of each corrugation. The Examiner cannot ignore explicit claim limitations. Therefore, these rejections are further clear error.

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Also, in claims 18-20 (and presumably cable specific claims 28 and 29) the Examiner again suggests that modifying the cable dimensions to a specific configuration is "an obvious matter of choice". Here, contrary to the Examiners citation of *In re Rose*, apparently from MPEP 2144.04, IV A, the mere size/proportion of the cable is not being modified -- the claimed cable has an entirely different configuration, to satisfy an entirely different design situation/problem. The configuration claimed by the inventor(s) is a novel solution for readily mating with the connector disclosed via the claimed longitudinal compression, yet still having the desired manufacturing, strength and flexibility characteristics without creating the impedance discontinuity found with other cable/connector combinations where the supporting structure the outer conductor seats upon extends substantially below the inner radius of the outer conductor corrugations. Because changes to the mere size/scale are not the only change with respect to the cited reference, and because the explicit limitation of a corrugation peak cylindrical section fails to appear, the cable configuration disclosed and claimed cannot be characterized as a mere design choice. Therefore these rejections are clear Examiner error.

With respect to claims 26 and 27 the Examiner supplies *Caleffi* to show compression in the form of a die surface angled towards the outer conductor. Although the Examiner describes its operation with respect to a "cable", in fact *Caleffi* discloses only apparatus for forming metal cans such as individual aluminum beer cans. In view of *Verespej's* failure to suggest longitudinal rather than the disclosed radial compression, applicant respectfully submits that *Caleffi* has nothing whatsoever to do with the present invention, and further the Examiner's incentive for the combination of providing "security for the outer conductor" has no meaning whatsoever. Because the cited reference combination is neither analogous nor reasonably pertinent to any problem related to the invention or even the general art area, these rejections are clear Examiner error.

Claims 28-30 are directed to a coaxial cable, only, according to the invention. Although repeatedly requested, the Examiner has refused to supply the required detailed elemental basis

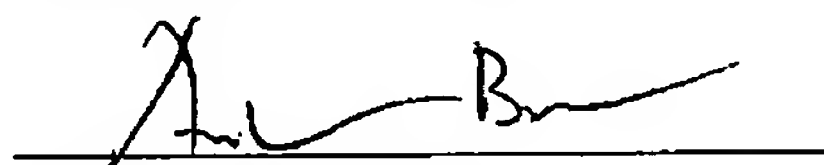
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Filed: 1/16/2004

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for these rejection(s), stating only that they are rejected "under a similar rationale". This is clear Examiner error (MPEP 707.07(d)). Further, as described herein above, the Examiner has never cited a reference related to the critical element of the cable, ie that annular corrugations of the cable have a cylindrical section at the corrugation peak.

Because each and every rejection is either clear Examiner error and or omits one or more essential elements required to form a proper Prima Facie rejection, all of the present rejection(s) should be withdrawn and a notice of allowance issued.

Respectfully submitted,

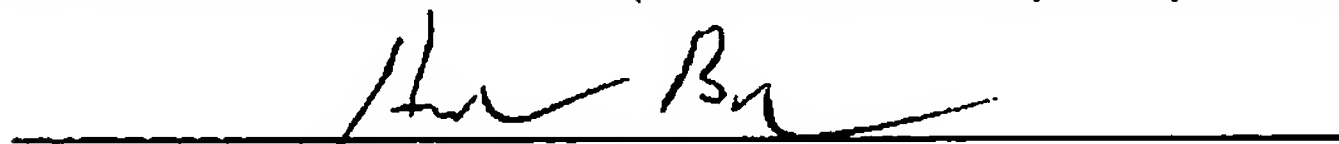


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No 571 273-8300) on July 19, 2005.



Andrew D. Babcock